



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

AUG 04 1992

4WD-RCRA

YELLOW

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Roger C. Swift, Vice President
Southern Region
Central Florida Pipeline Corporation
Subsidiary of:
GATX Terminals Corporation
100 GATX Drive
Tampa, FL 33605

RE: Compliance Evaluation Inspection
September 27, 1991
EPA ID No. FLD 078 319 308

Dear Mr. Swift:

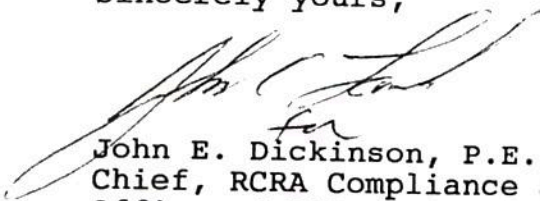
The purpose of this letter is to transmit a copy of the Compliance Evaluation Report referenced above.

A copy of this report has been sent to the Florida Department of Regulation.

If questions arise with regard to this matter, please contact Ralph T. Cline at (404) 347-7603.

We apologize for the delay in transmitting this report.

Sincerely yours,


John E. Dickinson, P.E.
Chief, RCRA Compliance Section
Office of RCRA and Federal Facilities

Enclosure

RCRA SITE INSPECTION

1) Inspector and Author of Report

Shannon Maher
Environmental Scientist

2) Facility

Central Florida Pipeline Corporation
9919 Palm Avenue
Taft, FL
EPA I.D. Number FLD 078 319 308

Mailing Address:
P.O. Box 593626
Orlando, FL 32859

3) Responsible Official

Elaine Macinski, Environmental Engineer
Central Florida Pipeline Corporation (CFPL)
subsidiary of:
GATX Terminals Corporation
Tampa, FL

4) Inspection Participants

Shannon Maher, EPA, Lead Inspector
Anna Torgrimson, EPA
John White, FDER
Bill Kappler, FDER
Stephanie Sorantino, FDER
Rick Sherman, CFPL

5) Date of Inspection

September 27, 1991

6) Applicable Regulations

This facility gained interim status on September 25, 1990, under the Toxicity Characteristic (TC) Rule, thereby making Central Florida Pipeline Corporation subject to the requirements of 40 CFR Parts 260 through 270.

7) Purpose of Survey

To conduct a Compliance Evaluation Inspection (CEI) of Central Florida Pipeline Corporation (CFPL) to determine if this facility is in compliance with the appropriate requirements of RCRA. Because the state of Florida is not authorized to enforce the TC Rule, this inspection was an EPA lead inspection.

8) Facility Description

CFPL is a bulk petroleum products storage and transfer facility storing gasoline and diesel products in aboveground storage tanks in capacities up to 3,360,00 gallons. Fuel storage tank (condensate) wastewater drawdown and truck loading area run-off wastewater that is considered potentially hazardous is collected, treated by below-surface oil/water separators, and the water is discharged to, two lined evaporation ponds in series. The second pond is occasionally discharged when capacity is reached, either through the Florida Department of Environmental Regulation's (FDER's) Industrial Waste permitted discharge or through a NPDES permitted discharge. The Industrial Waste discharge travels from the surface impoundments through a hose, under a road to a swampy area across the street that is owned by CFPL. At the time of the inspection, stressed vegetation was observed in this area. The NPDES outfall is located in a ditch adjacent to the ponds. From here the discharge travels off CFPL's property to a deep injection well operated by the county, and which was scheduled to be taken out of operation by the end of 1991.

9) Findings

On September 25, 1990, CFPL submitted their Part A Application for the operation of the two surface impoundments that receive "potential" TC waste. In the application, it was stated that samples of the contents of the impoundments are not hazardous. However, CFPL was conducting analysis of the influent into the impoundments which might be hazardous. CFPL considered itself a "protective filer" and did not include any information as to the types or quantities of waste it might generate. Subsequent to the interim status effective date, the lab analysis of the influent showed that the influent was TC toxic for benzene (10 mg/l). However, the detection limits for the majority of the compounds analyzed for were higher than the regulatory limits, by as much as 50 times, thereby masking the presence of other potentially hazardous wastes.

In a letter dated January 22, 1991, EPA notified CFPL that effective September 25, 1990, the facility had interim status and must manage wastes in compliance with the applicable 40 CFR Part 265 requirements. On September 24, 1991, CFPL called EPA to notify that they had stopped discharging to the surface impoundments and intend to close the impoundments instead of filing a Part B Application by the required date of September 25, 1991. On Friday, September 27, 1991, representatives of EPA and FDER arrived at CFPL to conduct a CEI. At the time of the inspection, the two supervisors responsible for the operation of the surface impoundments, Mr. Priest, Maintenance Supervisor, and Mr. Patton, Operations Supervisor, were both out of the office and would not be back that day. Mr. Rick Sherman, Construction Inspector, agreed to show us the surface impoundments and answer what questions he could, although he was unfamiliar with the regulatory requirements.

According to Mr. Sherman, CFPL cut off discharge to the impoundments on Tuesday, September 24, 1991. The drawdown water from the tanks and the run-off water from the truck wash racks now goes through the oil/water separators to a 27,000 gallon holding tank. Next to that tank were two other tanks of similar size that were being retrofitted at the time of the inspection to be used as an air stripper and polishing tank to treat the contaminated water. After treatment, the water would be pumped to a tanker truck and taken to a wastewater treatment facility. Storage time in these tanks will be less than ninety days. There was approximately nine (9) inches of wastewater that had collected in the tank since Tuesday (approximately three days).

The contents of the impoundments were still being aerated although the supply had been visibly cut-off and rerouted with hoses. The impoundments were raised above ground level, lined, and enclosed with a fence. Mr. Sherman indicated that the impoundments were inspected, but he did not know the frequency of inspections or where the records were kept. Five (5) below-ground wells had been installed August 20, 1991, and sampled August 26, 1991. At the time of the inspection, it was unknown as to whether the analyses for the groundwater samples had returned from the lab.

Upon returning to the CFPL Office to conduct a record review, Mr. Sherman attempted to contact Elaine Macinski or Karen Lennie of CFPL's Tampa Office to help in locating the required records since there was no one present at the Taft facility that could locate them. Ms. Macinski and Ms. Lennie were both out of the office, so Mr. Stan Strehler of the CFPL Tampa Office attempted to contact them by car phone and beeper. Neither could be reached, so instructions were left to have Ms. Macinski contact EPA the following work day.

Because there was not a responsible official present who could answer questions and provide access to records, the complete CEI could not be completed. EPA followed up the facility visit with a RCRA § 3007 Information Request for documentation of compliance with the applicable hazardous waste management requirements. Due to the considerable extent of information requested, CFPL requested, and was granted, an extension to their response until January 31, 1992. The response disclosed further violations, but CFPL did not answer each question completely. A second § 3007 Information Request was sent to the facility for the remaining information. This information was submitted to EPA on April 10, 1992.

10) Conclusions

The following violations have been documented through the site visit portion of the CEI and the § 3007 Information Requests:

§ 270.10(e)(4) / § 270.73(d) - Termination of Interim Status

At midnight September 25, 1991, CFPL lost interim status for failure to submit a Part B application and failure to certify compliance with applicable groundwater monitoring and financial responsibility requirements.

§ 262.34(a) - Accumulation Time

In the response to the second § 3007 Information Request, CFPL revealed that they had exceeded the accumulation time allowed under this requirement at their 90-day hazardous waste storage area. Under § 262.32(b), this makes CFPL an operator of a hazardous waste storage facility. This constitutes violations of § 3005 of RCRA and all applicable requirements under 40 CFR §§ 264/265 and 270.

§ 265.13(a)(1) - General Waste Analysis

CFPL failed to obtain a detailed chemical and physical analysis of a representative sample of its waste prior to treatment/storage/disposal. In the analyses conducted on the influent to the surface impoundments, the detection limits for many of the compounds were very high, often elevated above regulatory levels. A detailed chemical profile of this waste stream was not obtained prior to discharge to the surface impoundments. There are no subsequent analyses on the influent waste stream prior to discontinuing discharge on September 24, 1991.

§ 265.13(b)(1) through (4) - General Waste Analysis

In the response to EPA's second § 3007 Information Request, CFPL stated that they have maintained a site specific waste analysis plan (WAP) at the Taft facility since February 3, 1992. This plan has not been reviewed by EPA. Therefore, CFPL was in violation of the following requirements from September 25, 1990 to, tentatively, February 3, 1992:

As required by § 265.13(b)(1), CFPL failed to develop a waste analysis plan that specified the parameters for each hazardous waste that was to be analyzed and the rationale for the selection.

As required by § 265.13(b)(2), CFPL failed to develop a WAP that specified the test methods that would have been used to test each parameter.

As required by § 265.13(b)(3), CFPL failed to develop a WAP that specified the sampling method that would have been used to obtain a representative sample of the waste to be analyzed.

As required by § 265.13(b)(4), CFPL failed to develop a WAP that specified the frequency with which the initial analysis of the waste would be reviewed or repeated.

§ 265.15(b)(1) - General Inspection Requirements

CFPL failed to develop and follow a written inspection schedule at the facility between September 25, 1990 and May 6, 1991. On May 6, 1991, a schedule was developed and implemented in accordance with this requirement.

§ 265.15(d) - General Inspection Requirements

CFPL failed to develop an inspection log or summary to record inspection findings between September 25, 1990 and May 6, 1991. On

May 6, 1991, an inspection log was developed and implemented in accordance with this requirement.

265.52(a) through (f) - Content of Contingency Plan

The Contingency Plan at CFPL consisted of a Spill Prevention Countermeasure and Control (SPCC) Plan that was developed on September 22, 1988. The plan had been modified on December 15, 1990 and December 5, 1991, and only the most recent revision was included in the response to the Information Request.

As required by § 265.52(a) and (b), the SPCC Plan did not describe actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility. The SPCC Plan only described actions taken in response spills of petroleum product at the facility, and had not been amended to incorporate hazardous waste management provisions.

As required by § 265.52(c), the SPCC Plan did not describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to § 265.37.

As required by § 265.52(d), the SPCC Plan did not list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator.

As required by § 265.52(f), the SPCC Plan did not include an evacuation plan for facility personnel.

§ 265.53(b) - Copies of Contingency Plan

As required by § 265.53(b), CFPL failed to provide copies of the SPCC (Contingency) Plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services. According to the CFPL's response, dated January 31, 1992, the SPCC Plan was being distributed to local and state agencies.

§ 265.73(b) - Operating Record

In the response to the Information Request, CFPL stated that the operating record at the facility consists of the file of completed waste manifests. As required by § 265.73(b), CFPL failed to maintain a operating record at the facility that recorded the following information:

- (1) A description of each hazardous waste received, and the method(s) or its treatment, storage, or disposal at the facility as required by appendix I;
- (2) The location of each hazardous waste within the facility and the quantity at each location;

- (3) Records and results of waste analyses as specified in § 265.13;
- (4) Summary reports and details of all incidents that require implementing the contingency plan as specified in § 265.56(j);
- (5) Records and results of inspection as required by § 265.15(d);
- (6) Monitoring, testing or analytical data when required by §§ 265.90 and 265.94;
- (7) All closure cost estimates under § 265.142.

§ 265.91 - Groundwater Monitoring System

As required by § 265.90(a), CFPL failed to implement a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility within one year of the effective date of the regulations (i.e., by September 25, 1991).

As required by § 265.91(a)(1), CFPL did not install a groundwater monitoring system capable of yielding groundwater samples for analysis and consisting of at least one hydraulically upgradient well (i) representative of background groundwater quality in the uppermost aquifer; and (ii) not affected by the facility.

As required by § 265.91(a)(2), CFPL did not install a groundwater monitoring system capable of yielding groundwater samples for analysis and consisting of at least three hydraulically downgradient wells.

As required by § 265.91(c), CFPL did not install groundwater monitoring wells that are screened to enable sample collection at depths where appropriate aquifer flow zones exists.

As required by § 265.92(c), CFPL did not establish the initial background concentrations or values of all parameters specified in § 265.92(b) in all monitoring wells.

As required by § 265.93(a), CFPL failed to prepare an outline of a groundwater quality assessment program within one year of the effective date of the TC Rule (i.e., by September 25, 1991).

§ 265.112 - Closure Plan

As required by § 265.112(a), CFPL failed to have a written closure plan within six months of the effective date of the TC Rule (i.e., by March 25, 1991). CFPL also failed to provide a copy of the Closure Plan to a representative of the Agency during a site inspection on September 27, 1991. CFPL submitted the closure plan, dated September 1991, to the Agency on October 10, 1991.

§ 265.142 - Cost Estimate for Closure

As required by § 265.142, CFPL failed to have a detailed written cost estimate for the closure of the facility by the effective date of the TC Rule, September 25, 1990. CFPL had a written cost estimate developed, using third party closure implementation, as required, in September 1991.

§ 265.143 - Financial Assurance for Closure

As required by § 265.143, CFPL failed to establish financial assurance for closure of the facility between the effective date of the TC rule, September 25, 1990 and October 11, 1991, the date when CFPL submitted to EPA documentation of this requirement. In the Information Response, CFPL stated that this documentation had been maintained at the GATC office and the GATX headquarters (Chicago) office since September 25, 1990. This statement is in contradiction with the date of the documentation, which is October 10, 1991, over one year later. This submittal of misinformation constitutes a violation of § 3007 of RCRA as well.

§ 265.147 - Liability Requirements

As required by §§ 265.173(a) and 265.173(b), CFPL failed to establish financial responsibility for sudden and nonsudden accidental occurrences at the facility between the effective date of the TC rule, September 25, 1990 and October 11, 1991, the date when CFPL submitted to EPA documentation of this requirement. In the Information Response, CFPL stated that this documentation had been maintained at the GATX headquarters (Chicago) office since September 25, 1990. This statement is in contradiction with the date of the documentation, which is October 10, 1991, over one year later. This submittal of misinformation constitutes a violation of § 3007 of RCRA as well.

§ 3007 of RCRA

In EPA's initial § 3007 Information Request, CFPL failed to provide full and complete answers to several questions, and provided misinformation in the instances cited above, which places them in violation of this statutory provision. In addition, EPA sent a second § 3007 Information Request directing CFPL to provide the information omitted from the initial request. In their response, CFPL again failed to provide portions of the requested information. Further specifics on these violations are as follows:

- (1) Question # 3 - In this question, EPA requested information on all waste streams generated at the facility. In their response to both the first and second request, CFPL failed to provide the requested information as to what types of wastes (i.e., waste codes), other than D018 treated in the surface impoundments, that are generated at the facility.
- (2) Question # 18 - In EPA's initial § 3007 Information Request, CFPL was asked if the facility had certified that it was in compliance with all applicable groundwater monitoring requirements by

September 25, 1991 as required by 40 CFR 270.73(d)(2). In the response, CFPL did not answer the question, but submitted a certification that its "Groundwater Monitoring Plan" was in compliance. In the second response, Dames & Moore, on behalf of CFPL, certified that the facility was in compliance with all applicable groundwater monitoring requirements by September 25, 1991. Again, CFPL did not answer the question as to whether they had certified compliance by September 25, 1991. By failing to respond to the question, CFPL has violated § 3007 of RCRA.

11) Signed

Shannon Maher
Shannon Maher
Environmental Scientist

April 17, 1992
Date

12) Concurrence

Jeff Pallas
Jeff Pallas, Chief
South Unit
RCRA Compliance Section

4/29/92
Date

13) Approval

John E. Dickinson
John E. Dickinson, P.E., Chief
RCRA Compliance Section

5-1-92
Date